

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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LARRY BUMGARNER  
and STEPHEN P. WALLACE,  
Plaintiffs,  
v.

UNITED STATES, et al.,  
Defendants.

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CIVIL NO. 08-5245 (NLH) (JS)

**MEMORANDUM OPINION & ORDER**

**APPEARANCES:**

LARRY BUMGARNER  
205 TOULON AVE  
EGG HARBOR TOWNSHIP, NJ 08234

STEPHEN P. WALLACE  
6528 E. 101ST, D-1 #304  
TULSA, OK 74133

Appearing pro se

ELIZABETH ANN PASCAL  
U.S. DEPARTMENT OF JUSTICE  
401 MARKET STREET  
P.O. BOX 2098  
CAMDEN, NJ 08101

On behalf of the United States and individual federal  
defendants

JONATHAN M. KORN  
BLANK ROME, LLP  
301 CARNEGIE CENTER  
3RD FLOOR  
PRINCETON, NJ 08540

On behalf of JP Morgan Chase, The Goldman Sachs Group, Inc.,  
and James Dimon

**HILLMAN, District Judge**

This matter having come before the Court on pro se plaintiff  
Stephen Wallace's "Motion to Vacate Memorandum Opinion & Order  
Dated 1/28/10 pursuant to F.R.C.P. 60(b)(1) and Brief in Support";

and

Plaintiff, along with co-plaintiff Larry Bumgarner, having filed a complaint against defendants, the United States of America, Ben Bernake, Henry Paulson, Sheila Blair, The Goldman Sachs Group, Inc. (improperly plead as "Goldman Sachs"), JP Morgan Chase & Co., and James Dimon, purportedly as "U.S. taxpayers and private attorneys general," and on behalf of all United States taxpayers; and

On August 11, 2009, the Court having dismissed plaintiffs' complaint because it was moot, and because plaintiffs otherwise lacked standing and failed to state a claim (see Docket No. 32); and

On January 28, 2010, plaintiff Stephen Wallace having filed a motion to vacate the Court's dismissal of his case, arguing that it was procured by fraud and is void, see Fed. R. Civ. P. 60(b)(3), (4); and

On that same day, the Court having denied plaintiff's motion; and

Plaintiff having filed his instant motion seeking that the Court vacate its January 28, 2010 Order because when his motion was scanned onto the electronic docketing system, the second page of his filing was omitted; and

Plaintiff arguing that the Clerk of the Court tampered with his filing, and, as a result, his motion was denied without the

Court having fully considered his motion; but

The Court noting that a hard copy of plaintiff's entire motion, which plaintiff sent via express mail directly to chambers, was reviewed and considered prior to the Court's denial of plaintiff's motion; and

The Court also noting that it was a clerical error in the electronic scanning process that caused the second page of plaintiff's motion to be omitted from the docket; and

The Court further noting that the error has been corrected, and plaintiff's entire filing has been entered on the docket (see Docket No. 35); and

Plaintiff not providing any other valid basis for why the Court should vacate its prior Orders;

Accordingly,

IT IS HEREBY on this 1st day of March, 2010

ORDERED that plaintiff's "Motion to Vacate Memorandum Opinion & Order Dated 1/28/10 pursuant to F.R.C.P. 60(b)(1)" [36] is DENIED.

At Camden, New Jersey

s/ Noel L. Hillman

NOEL L. HILLMAN, U.S.D.J.